



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MICHAEL J. SULLIVAN
DIRECTOR

August 1, 1996
AO-96-24

Joan W. Lepper, Chair
The Committee to Elect John A. Lepper
311 Newport Avenue
Attleboro, MA 02703

Re: Use of Bulk Mailing Permit

Dear Ms. Lepper:

I am writing in response to your July 18 letter regarding the proposed use, by the Attleboro Republican City Committee (the ARCC), of the Committee to Elect John A. Lepper's (the Lepper Committee's) postal bulk rate permit.

You have stated that the ARCC will pay the postage costs associated with a mailing.

Question

You have asked if the ARCC may use the Lepper Committee's bulk rate permit to send the mailing.¹

Answer

Yes. As noted below, however, the ARCC must report an in-kind contribution from the Lepper Committee.

Discussion

A contribution is defined by the campaign finance law as any "gift, subscription, loan, advance, deposit of money or thing of value . . ." M.G.L. c. 55, s. 1. Regulations issued by this office state that "the use of any thing of value by a political committee, other than those things . . . for which the political committee has paid the fair market value for the use thereof, shall constitute a contribution in-kind to that political committee by the person or entity which has ownership of the thing of value." 970 CMR 2.07(3). To the extent the Lepper Committee provides something of value to the ARCC, the Lepper Committee should inform the ARCC of the value and nature of the contribution. The ARCC will be required to report what has been received as an in-kind contribution.

¹ Your question relates to the use of a bulk mail permit, not a postage meter, and the use of postage meters by candidates and political committees raises issues not addressed in this opinion.

Bulk mail permits may be obtained from the U.S. Postal Service upon payment of an application fee of \$85 and in addition, an annual fee, payable each year, of \$85. At present, the cost of postage for each item sent will be between 20.9 and 25.6 cents, depending on how many items are sent, which post office is used, the weight of the items, and where the items are sent to. You have stated that the postage costs will be paid for directly by the ARCC. Therefore, ARCC must understand how to determine the value of the in-kind contribution it has received, i.e., the use of the bulk mail permit.²

The ARCC should report the receipt of a \$170 in-kind contribution, because that is the cost to obtain a bulk mail permit from the post office and such payment was not made in this instance due to the use of the Lepper Committee's permit.

There is no express statutory limit on the amount of in-kind contributions which may be made by a candidate's committee to a party committee. All such contributions, however, may be made only if they "enhance of the political future of the candidate." M.G.L. c. 55, s. 6 and 970 CMR 1.04(13). It should be noted, however, that the campaign finance law imposes stringent limits on in-kind contributions which may be made in other contexts, e.g., business and professional corporations may not make in-kind contributions to candidates, PACs or party committees. M.G.L. c. 55, s. 8.

This opinion is based solely on the representations made in your letter and is limited to providing guidance within the context of M.G.L. c. 55.

Sincerely,



Michael J. Sullivan
Director

² You should contact the Postal Service to ensure that appropriate authorization letters are signed allowing the ARCC to use the Lepper Committee's permit.